



Therefore, Petitioner's Petition is dismissed without prejudice. Petition may re-file a complete petition pursuant to 28 U.S.C. § 2254.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Petitioner's Petition for a Writ of Habeas Corpus is **DISMISSED without prejudice**.

**SO ORDERED.**

Signed: October 9, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge



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stated: "Petitioner became final more than one year ago, because Petitioner appealed his conviction to the North Carolina Court of Appeals, who had jurisdiction over Petitioner's appeal, thereafter, the Court of Appeals' Decision, Petitioner filed his Motion for Appropriate Relief, Subsequently, filed a Writ of Certiorari to the North Carolina Court of Appeals." (Form Motion at 19.)